

ASSEMBLY BILL

No. 1270

Introduced by Assembly Member Eggman

February 22, 2013

An act to amend Section 1808.4 of the Vehicle Code, relating to the Department of Motor Vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1270, as introduced, Eggman. Department of Motor Vehicles: records: confidentiality.

Existing law prohibits the disclosure of the home addresses of certain public employees and officials that appear in any records of the Department of Motor Vehicles, except to a court, a law enforcement agency, an attorney in a civil or criminal action under certain circumstances, and certain other official entities.

This bill would extend that prohibition, subject to those same exceptions, to the disclosure of the home addresses of code enforcement officers, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1808.4 of the Vehicle Code is amended
- 2 to read:
- 3 1808.4. (a) For all of the following persons, his or her home
- 4 address that appears in a record of the department is confidential
- 5 if the person requests the confidentiality of that information:
- 6 (1) Attorney General.

- 1 (2) State Public Defender.
- 2 (3) A Member of the Legislature.
- 3 (4) A judge or court commissioner.
- 4 (5) A district attorney.
- 5 (6) A public defender.
- 6 (7) An attorney employed by the Department of Justice, the
- 7 office of the State Public Defender, or a county office of the district
- 8 attorney or public defender.
- 9 (8) A city attorney and an attorney who submits verification
- 10 from his or her public employer that the attorney represents the
- 11 city in matters that routinely place the attorney in personal contact
- 12 with persons under investigation for, charged with, or convicted
- 13 of, committing criminal acts, if that attorney is employed by a city
- 14 attorney.
- 15 (9) A nonsworn police dispatcher.
- 16 (10) A child abuse investigator or social worker, working in
- 17 child protective services within a social services department.
- 18 (11) An active or retired peace officer, as defined in Chapter
- 19 4.5 (commencing with Section 830) of Title 3 of Part 2 of the Penal
- 20 Code.
- 21 (12) An employee of the Department of Corrections and
- 22 Rehabilitation, Division of Juvenile Facilities, or the Prison
- 23 Industry Authority specified in Sections 20403 and 20405 of the
- 24 Government Code.
- 25 (13) A nonsworn employee of a city police department, a county
- 26 sheriff's office, the Department of the California Highway Patrol,
- 27 a federal, state, or local detention facility, or a local juvenile hall,
- 28 camp, ranch, or home, who submits agency verification that, in
- 29 the normal course of his or her employment, he or she controls or
- 30 supervises inmates or is required to have a prisoner in his or her
- 31 care or custody.
- 32 (14) A county counsel assigned to child abuse cases.
- 33 (15) An investigator employed by the Department of Justice, a
- 34 county district attorney, or a county public defender.
- 35 (16) A member of a city council.
- 36 (17) A member of a board of supervisors.
- 37 (18) A federal prosecutor, criminal investigator, or National
- 38 Park Service Ranger working in this state.

1 (19) An active or retired city enforcement officer engaged in
2 the enforcement of the Vehicle Code or municipal parking
3 ordinances.

4 (20) An employee of a trial court.

5 (21) A psychiatric social worker employed by a county.

6 (22) A police or sheriff department employee designated by the
7 Chief of Police of the department or the sheriff of the county as
8 being in a sensitive position. A designation pursuant to this
9 paragraph shall, for purposes of this section, remain in effect for
10 three years subject to additional designations that, for purposes of
11 this section, shall remain in effect for additional three-year periods.

12 (23) A state employee in one of the following classifications:

13 (A) Licensing Registration Examiner, Department of Motor
14 Vehicles.

15 (B) Motor Carrier Specialist 1, Department of the California
16 Highway Patrol.

17 (C) Museum Security Officer and Supervising Museum Security
18 Officer.

19 (24) *A code enforcement officer, as defined in Section 829.5 of*
20 *the Penal Code.*

21 ~~(24)~~

22 (25) (A) The spouse or child of a person listed in paragraphs
23 (1) to ~~(23)~~ (24), inclusive, regardless of the spouse's or child's
24 place of residence.

25 (B) The surviving spouse or child of a peace officer, as defined
26 in Chapter 4.5 (commencing with Section 830) of Title 3 of Part
27 2 of the Penal Code, if the peace officer died in the line of duty.

28 (C) (i) Subparagraphs (A) and (B) shall not apply if the person
29 listed in those subparagraphs was convicted of a crime and is on
30 active parole or probation.

31 (ii) For requests made on or after January 1, 2011, the person
32 requesting confidentiality for their spouse or child listed in
33 subparagraph (A) or (B) shall declare, at the time of the request
34 for confidentiality, whether the spouse or child has been convicted
35 of a crime and is on active parole or probation.

36 (iii) Neither the listed person's employer nor the department
37 shall be required to verify, or be responsible for verifying, that a
38 person listed in subparagraph (A) or (B) was convicted of a crime
39 and is on active parole or probation.

(b) The confidential home address of a person listed in subdivision (a) shall not be disclosed, except to any of the following:

(1) A court.

(2) A law enforcement agency.

(3) The State Board of Equalization.

(4) An attorney in a civil or criminal action that demonstrates to a court the need for the home address, if the disclosure is made pursuant to a subpoena.

(5) A governmental agency to which, under any provision of law, information is required to be furnished from records maintained by the department.

(c) (1) A record of the department containing a confidential home address shall be open to public inspection, as provided in Section 1808, if the address is completely obliterated or otherwise removed from the record.

(2) Following termination of office or employment, a confidential home address shall be withheld from public inspection for three years, unless the termination is the result of conviction of a criminal offense. If the termination or separation is the result of the filing of a criminal complaint, a confidential home address shall be withheld from public inspection during the time in which the terminated individual may file an appeal from termination, while an appeal from termination is ongoing, and until the appeal process is exhausted, after which confidentiality shall be at the discretion of the employing agency if the termination or separation is upheld. Upon reinstatement to an office or employment, the protections of this section are available.

(3) With respect to a retired peace officer, his or her home address shall be withheld from public inspection permanently upon request of confidentiality at the time the information would otherwise be opened. The home address of the surviving spouse or child listed in subparagraph (B) of paragraph ~~(24)~~ (25) of subdivision (a) shall be withheld from public inspection for three years following the death of the peace officer.

(4) The department shall inform a person who requests a confidential home address what agency the individual whose address was requested is employed by or the court at which the judge or court commissioner presides.

1 (d) A violation of subdivision (a) by the disclosure of the
2 confidential home address of a peace officer, as specified in
3 paragraph (11) of subdivision (a), a nonsworn employee of the
4 city police department or county sheriff's office, or the spouses or
5 children of these persons, including, but not limited to, the
6 surviving spouse or child listed in subparagraph (B) of paragraph
7 ~~(24)~~ (25) of subdivision (a), that results in bodily injury to the
8 peace officer, employee of the city police department or county
9 sheriff's office, or the spouses or children of these persons is a
10 felony.

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